



ZONING ADMINISTRATOR NOTICE OF DECISION

Date: May 15, 2017
Applicant: Sudberry Development
Case No.: DR17-0010
Address: SEC of SR 125 and Birch Road (643-060-52)
Project Planner: Jeff Steichen

Notice is hereby given that on May 15, 2017 the Zoning Administrator considered Design Review (DR) application DR17-0010, filed by Sudberry Development ("Applicant"). The Applicant requests Design Review approval to construct a 5,137 square-foot building (Building "H") within a previously approved commercial center ("Project"). The Project is located at the southwest corner of Birch Road and Millenia Avenue, east of SR 125 ("Project Site") and is owned by SLF IV/Millenia, LLC ("Property Owner"). The 12.5 acre Project Site is zoned District 1 within the Eastern Urban Center Planned Community (PC) District Regulations and has a General Plan designation of EUC (Eastern Urban Center). The Project is more specifically described as follows:

The Project consists of a 5,137 square-foot building within a previously approved commercial center. This one-story commercial building is proposed to be used to accommodate both a dental office and a drive-thru restaurant. On December 6, 2016, the City Council approved Design Review Permit DR16-0003 to allow for the construction of a 130,801 square foot retail center. While this included approval of the building elevations for the majority of buildings within the commercial center, the Project consists of one of four buildings for which approval was not granted other than the general building location/footprint on the site plan. At the same time, the approval included specific design criteria which would guide the future design of these four buildings. The criteria included various elements of the architecture of the other buildings (i.e., materials, basis forms and shapes, use of corner elements) and established these features as required elements in any future building design. Staff has reviewed the proposed architectural treatment of the elements of proposed Building "H" and found them to be consistent with the criteria. For example, the proposed wall treatment along the proposed east elevation would include "recessed openings with manufactured stone", which is consistent with the "wall treatment/materials" component of the approved design criteria. Similarly, the manufactured stone proposed on the west elevation is consistent with the design criteria, which further reflects consistency with approved colors and elevations for other buildings within the center.

The Director of Development Services has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project was adequately covered in previously adopted Final Second Tier Environmental Impact Report (EIR-07-01). Thus, no further environmental review is required.

The Zoning Administrator approved said request based upon the following findings of fact:

1. *The proposed development, as conditioned, is consistent with the development regulations of the Eastern Urban Center Sectional Planning Area (EUC SPA) and Planned Community District Regulations, as further delineated within the Millenia Shopping Center project previously approved by City Council on December 6, 2016.*

The proposed commercial building is permitted, and meets all of the development regulations as stipulated in the EUC PC District Regulations for the District I zone. The proposed building elevations are consistent with the allowable building height. All other development criteria has been previously complied with in conjunction with the previous approval of the commercial center on December 6, 2016. As required as a condition of approval, the Project was processed through an administrative design review permit, pursuant to Section 19.14.582 C of the Chula Vista Municipal Code (CVMC).

2. *The design features of the proposed development are consistent with, and are a cost effective method of satisfying, the design criteria established for the Project on December 6, 2016.*

The proposed commercial building design is consistent with the design criteria approved by the City Council on December 6, 2016. The Project represents a cost effective way of satisfying the design criteria in that majority of building elements have been established which would, therefore, not require additional design costs.

The Zoning Administrator, under the provisions of Section 19.14.582.G of the CVMC and Section 04.03.001 of the Eastern Urban Center Form Based Code, has conditionally approved the Project subject to the following conditions:

The following shall be accomplished to the satisfaction of the City, prior to issuance of building permits, unless otherwise specified.

Planning Division:

1. The Applicant/Representative and Property Owner shall execute this document by making a true copy and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the Project, and

corresponding application for building/grading permits and/or business license, be held in abeyance without approval

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner/representative

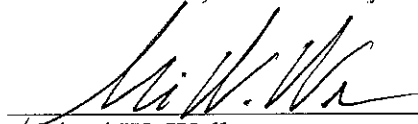
Date

2. The Applicant shall construct the Project in accordance with approved plans for DR17-0010, date stamped approved May 15, 2017, which include a site plan and architectural elevations on file in the Planning Division, the conditions contained herein and Title 19.
3. The Applicant shall provide information to City Staff as to how the proposed colors and materials are consistent with the color and material board approved by City Council on December 6, 2016.
4. As an alternative to providing a graffiti resistant treatment to the building and in compliance with CVMC Section 9 20.055 regarding graffiti treatment, the Applicant has agreed to remove graffiti found on the building within forty-eight hours.
5. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Director of Development Services. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Director of Development Services.
6. All ground mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Director of Development Services.
7. All exterior lighting shall include shielding to remove any glare from adjacent residents. Details for said lighting shall be included in the architectural plans and shall be reviewed and approved to the satisfaction of the Director of Development Services prior to the issuance of the building permit.

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

1. The Applicant shall maintain the Project in accordance with the approved plans for DR17-0010, date stamped approved on May 15, 2017, which includes a site plan and architectural elevations on file in the Planning Division, the conditions contained herein, and Title 19.
2. Approval of this request shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City ordinances in effect at the time of building permit issuance.
3. This Design Review Permit shall become void and ineffective if not utilized within three (3) year from the effective date thereof, in accordance with Section 19.14.600 of the Municipal Code.
4. The Property Owner and Applicant shall and do agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Design Review Permit and (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated on the Project Site. The Property Owner and Applicant shall acknowledge their agreement to this provision by executing a copy of this Design Review Permit where indicated above. The Property Owner's and Applicant's compliance with this provision shall be binding on any and all of the Property Owner's and Applicant's successors and assigns.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 15th day of May, 2017.



Michael W. Walker
Zoning Administrator